

United States Bankruptcy Court
Central District of California
Hon. John E. Ryan

TRIAL GUIDELINES

1. Trial-Ready Calendar

All trials of less than two days will be set on the trial-ready calendar. Trials expected to last more than two days will be specifically assigned.

All matters set for the trial-ready calendar shall be ready for trial at the assigned date for the trial scheduling conference. The trial scheduling conference will be held on an assigned Monday afternoon at 2:30 p.m. At the trial scheduling conference, I will schedule specific trial times for each proceeding on the calendar. Trials will begin on Tuesday at 9:30 a.m. and continue throughout the week.

NO WITNESSES SHOULD APPEAR AT THE SCHEDULING CONFERENCE. However, it is the responsibility of all parties to arrange for the availability of their witnesses based on the assigned trial times.

The trial time assigned at the scheduling conference will be treated as a firm trial date. **ALL MATTERS ARE EXPECTED TO BE READY FOR IMMEDIATE TRIAL.** Stipulations for settlement must be fully executed or set forth by all parties on the record at the trial scheduling conference. Counsel/parties may be required to submit judgments, dismissals, or appropriate orders when their case is called at the trial scheduling conference.

CONTINUANCES WILL NOT BE GRANTED PRIOR TO OR AT THE TRIAL SCHEDULING CONFERENCE EXCEPT IN EXTRAORDINARY CIRCUMSTANCES AND IN THE INTEREST OF JUSTICE.

2. Guidelines for all Trials and Evidentiary Hearings

- a. Trial Briefs: Trial briefs are optional but are encouraged. Trial briefs shall be filed seven days before the scheduling conference or trial date.
- b. Exhibits: The day before trial, the Court shall be given a bench copy of exhibits to be offered into evidence (other than exhibits offered for rebuttal or impeachment purposes). Counsel shall have a conformed set of exhibits for opposing counsel and witnesses. Counsel shall have copies of exhibits used for impeachment or rebuttal for opposing counsel, witnesses, and the court. If exhibits exceed ten, they shall be placed in a binder properly indexed, numbered and tabbed. An exhibit register shall be provided with each set of exhibits.

- c. Testimony: Based on Local Rule 13.6 of the District Court for the Central District of California, attorneys are required to submit all direct testimony by declaration unless (i) the witness is adverse or refuses to give testimony by declaration; or (ii) the testimony is offered to impeach or rebut. See also Adair v. Sunset Bank (In re Adair), 965 F.2d 777 (9th Cir. 1992); In re Heckenkamp, 110 B.R.1 (Bankr. C.D. Cal. 1989). The parties may request permission to offer oral testimony supplementing matters covered in the declarations or present portions of the testimony in the declaration orally, and the Court may grant such a request in the interest of justice.

Witnesses whose declarations are offered shall be present for cross-examination and re-direct when the declarations are offered into evidence (unless the parties agree otherwise).

Plaintiff/movant shall file and serve its declaration on counsel for defendant/respondent thirty days before the scheduling conference or trial date. Defendant/respondent shall serve its declaration on counsel for plaintiff/movant twenty-one days before the scheduling conference or trial date.

Unless the parties stipulate in the pre-trial order to the admittance of an exhibit, foundation of admittance of exhibits (other than for impeachment or rebuttal purposes) shall be established in the declarations, although the Court may allow oral testimony for this purpose. Exhibits referenced in any declaration shall be offered into evidence when the declaration is offered into evidence. Evidentiary objections to any declaration must be served and filed at least five calendar days before trial date.